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SUPREME COURT, U.S.

No. 26-6029

In The Supreme Court of The United States

MICHAEL DEAN WILLIAMS, Petitioner,

v.

CRYSTAL FLASH CO., et al.,

CRAIG BROEKHUIZEN,

CAITLYN KOZAL,

KRINN VANDERSLOOT, Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

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PETITION FOR A WRIT OF CERTIORARI

Michael Dean Williams Petitioner, In Pro se

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QUESTIONS PRESENTED

1. Whether 28 U.S.C. § 1915(e)(1) and 42 U.S.C. § 2000e-5(f)(1) permits a court to deny counsel by measuring complexity from the court's familiarity with Title VII, rather than from whether the difficulty of the case exceeds the particular plaintiff's capacity as a layperson.
2. Whether *Bell Atlantic Corp. v. Twombly*, *Ashcroft v. Iqbal*, and *Erickson v. Pardus* permit a court to attribute to a pro se plaintiff "numerous derogatory remarks" and "38 documented" incidents "through conversations" that the complaint did not plead in those terms, and to leave those attributions in place after other remedies failed to correct them.

PARTIES TO THE PROCEEDING

The petitioner is Michael Dean Williams. Respondents are Crystal Flash Co. and the management employees named in the district court. A companion case, *Williams v. Michigan*, No. 2:24-cv-11639, was dismissed and is not the judgment under review.

PARTIES TO THE PROCEEDING

The parties to the proceeding in the United States Court of Appeals for the Sixth Circuit, No. 25-2108, whose judgment is sought to be reviewed, are:

- Michael Dean Williams, petitioner-appellant below
- Crystal Flash Co., respondent-appellee below
- Craig Broekhuizen, respondent-appellee below
- Krinn Vandersloot, respondent-appellee below
- Caitlyn Kozal, respondent-appellee below

None of the respondents is a publicly traded company. None has a stock ticker symbol.

RELATED PROCEEDINGS

Williams v. Crystal Flash Co., No. 2:24-cv-11640 (E.D. Mich.) (judgment Nov. 26, 2025).

Williams v. Crystal Flash Co., No. 25-2108 (6th Cir.) (rehearing denied Sept. 23, 2026).

Williams v. Michigan, No. 2:24-cv-11639 (E.D. Mich.) (dismissed; not under review).

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OPINIONS BELOW

The order denying rehearing is App. 1a. The panel decision is App. 2a. The Rule 37 dismissal is App. 3a. The judgment is App. 4a. The order denying counsel is App. 5a.

JURISDICTION

The court of appeals denied rehearing on September 23, 2026. This petition is filed within 90 days of that order. Jurisdiction rests on 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 1915(e)(1) provides that the court may request an attorney to represent any person unable to afford counsel.

42 U.S.C. § 2000e-5(f)(1) provides that, upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for the complainant.

STATEMENT OF THE CASE

Petitioner filed No. 2:24-cv-11640 on June 25, 2024, without counsel. Thirty-six attorneys declined the case.[1] The complaint stated: "Crystal Flash protected a black man for 420 days of 2 assaults and 105 incidents of harassment, '38 documented', conversations, letters, videos of harassments against a white man." ECF 1, App. 8a. He alleged sabotage of a truck he shared with a co-worker, a face-to-face threat, and a later text, "remember what I told you!" The attached text messages were reports to his supervisors, not conversations with the co-worker.[2] After the threat, he spoke with that co-worker about twice in the next thirteen months. He did not allege racial comments. The MDCR investigator found none.

[1] Petitioner contacted 36 attorneys. None appeared. He lives on Social Security of about $1,413 a month and had quadruple-bypass surgery in 2018.

[2] Those texts were reports to management. They were not 38 conversations with the co-worker.

On July 25, 2024, the court partially dismissed the case. ECF 9, App. 6a. It dismissed the Fourteenth Amendment claims because the defendants are not state actors, and dismissed the § 241 claim because it creates no private right. Title VII remained. The order stated that Petitioner claimed "38 documented" harassing incidents through conversations, letters, and videos. The district court's November 7, 2024 order then described "multiple incidents of harassment, including two assaults and numerous derogatory remarks, with 38 incidents documented through various means." ECF 41, App. 7a. "Numerous derogatory remarks" does not appear in the complaint sentence quoted above.

Counsel was denied. ECF 48, App. 5a. The claims that survived screening still required discovery, a multi-year MDCR file, an internal investigation the employer treated as privileged, and correction of the court's description of the complaint.

The petitioner sought mandamus. The court of appeals denied the writ. It stated that the district orders did not say Petitioner himself used racial slurs or made derogatory remarks, and that other remedies were available. App. 9a. He moved to correct the record. The district court denied the motion.

It held that the paraphrasing of "numerous derogatory remarks" and "harassing incidents" were "fair characterizations," treated the motion as untimely reconsideration, and said he had not identified a mistake under the local rule. ECF 95, PageID.1278, 1281, App. 10a. A motion for discovery assistance was denied in the same order.

The district court dismissed the action under Rule 37 on November 26, 2025. ECF 107, App. 3a. On August 26, 2025, it had warned that failure to comply would result in sanctions, "up to and including ... dismissal." ECF 95, PageID.1282, App. 10a. On November 6, 2025, Petitioner did not appear. The court granted an oral motion to dismiss. It wrote that the case had made no progress "due to Plaintiff's refusal to abide by any court order or the federal court rules," and that "Plaintiff has continued to defy this Court's orders." ECF 107, App. 3a. It dismissed the action with prejudice and ordered a show cause on fees and costs since November 21, 2024. Judgment, App. 4a.

Petitioner does not deny the missed conferences or the filings that did not follow the rules. ECF 107 states that he refused the Federal Pro Se Clinic and refused to engage on a discovery plan. He consulted the clinic.

He **did not** state that he would not participate in discovery. He stated that he would wait for the court's ruling. The petitioner didn't understand that appealing a decision doesn't postpone hearings. The willfulness finding was entered after counsel had been denied, after discovery assistance had been denied, and after the motion to correct the record/description had been denied.

The Sixth Circuit affirmed the judgment. App. 2a. It did not separately analyze the counsel standard. On September 23, 2026, it denied rehearing. App. 1a.

REASONS FOR GRANTING THE WRIT

I. The circuits are divided on whether complexity is measured against the plaintiff.

Section 1915(e)(1) says the court "may request" counsel. Title VII says the court may appoint counsel "in such circumstances as the court may deem just." 42 U.S.C. § 2000e-5(f)(1). *Mallard v. United States Dist. Court*, 490 U.S. 296 (1989), holds that § 1915 does not authorize coercive appointments. It does not settle the standard for a request.

This Court applies an exceptional-circumstances test. *Lavado v. Keohane*, 992 F.2d 601 (6th Cir. 1993). The Seventh Circuit asks whether "the difficulty of the case—factually and legally—exceeds the particular plaintiff's capacity as a layperson to coherently present it." *Pruitt v. Mote*, 503 F.3d 647, 655 (7th Cir. 2007) (en banc). The Second and Third Circuits use threshold merit, then ability and complexity. *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986); *Tabron v. Grace*, 6 F.3d 147 (3d Cir. 1993). Title VII cases elsewhere also weigh diligence in seeking counsel and capacity to present the case. *Castner v. Colorado Springs Cablevision*, 979 F.2d 1417 (10th Cir. 1992); *Jenkins v. Chemical Bank*, 721 F.2d 876 (2d Cir. 1983); *Poindexter v. FBI*, 737 F.2d 1173 (D.C. Cir. 1984). Even circuits that keep an exceptional-circumstances label still require a look at the total situation and at the litigant's capacity.[3]

[3] *DesRosiers v. Moran*, 949 F.2d 15, 24 (1st Cir. 1991); *Whisenant v. Yuam*, 739 F.2d 160, 163 (4th Cir. 1984).

The district court treated Title VII as ordinary to the bench and denied counsel. Thirty-six attorneys had declined. The Title VII claims had survived screening. What remained was discovery, a state investigative file,

a privilege claim, and a judicial description of the complaint that Petitioner could not get corrected. The Sixth Circuit affirmed without a separate analysis of whether that difficulty exceeded this plaintiff's capacity. Missed conferences and a decision to wait for a ruling were then treated as willful defiance. Complexity was not measured against this plaintiff.

II. The complaint was restated, and the restatement was not corrected.

Iqbal tests the well-pleaded facts in the complaint. *Erickson v. Pardus*, 551 U.S. 89 (2007), requires liberal construction of the pro se plaintiff's words, not a different narrative. A court may not supply facts the pleader did not allege.[4]

[4] *Dunn v. White*, 880 F.2d 1188, 1197 (10th Cir. 1989); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

ECF 41 described "numerous derogatory remarks." Those words are not in the complaint. ECF 9 described "38 documented" harassing incidents through conversations, letters, and videos. The complaint listed "38 documented," then conversations, letters, and videos, after two assaults and 105 incidents. The attached texts were reports to supervisors.

Petitioner spoke with the co-worker about twice in thirteen months. The mandamus order correctly said the district orders did not find that Petitioner himself used slurs. It did not hold that the added phrases were pleaded. The motion to correct the record was denied as untimely reconsideration, on the ground that the paraphrase was a fair characterization. The action then ended under Rule 37 with that description still in the judicial account of the case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Petitioner, pro se

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October 28, 2026